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Mandated areas

Statement submitted by non-governmental organizations in consultative status with the Economic and Social Council

Tebtebba Foundation

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

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Introduction

1. The report of the Permanent Forum on Indigenous Issues on its first session[1] is highly appreciated, as it captured the recommendations put forth at the session by indigenous peoples and member States. We strongly endorse all the proposals outlined in that report. What needs to be done is to identify which activities should be prioritized and the time frames for their implementation. The present statement will present ideas on how to pursue the implementation of some of the recommendations in the report.

2. It will also report on some of the activities of the Tebtebba Foundation that directly relate to the proposals in the report. Some key recommendations that emerged from these activities and processes and the links between these and the recommendations set out and the programmes discussed in the report of the Forum on its first session will be elaborated on.[2]

* E/C.19/2003/1.

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Sustainable development

3. At the second session of the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, the Indigenous Peoples' Caucus of the Commission on Sustainable Development presented a dialogue paper by indigenous peoples (E/CN.17/2002/PC.2/6/Add.3). This was supplemented by a document entitled "Bullet points of the indigenous peoples' dialogue paper for the World Summit on Sustainable Development" which highlighted the key messages. These documents laid down the framework of indigenous peoples' participation in the processes of the Summit.

4. The fourth session of the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, which was held in Bali, Indonesia, from 27 May to 7 June 2002, and the high-level ministerial segment, held from 5 to 7 June, featured the dynamic presence of indigenous peoples. We made our interventions on issues centred around governance, capacity-building, and partnership and presented a concluding statement that contained the Indigenous Peoples Political Declaration. This Declaration called for a world conference on indigenous peoples and sustainable development as a culmination to the International Decade of the World's Indigenous People and as a concrete follow-up to the Summit.

5. The Indigenous Peoples' International Summit on Sustainable Development was held in Kimberley, South Africa, from 20 to 24 August 2002 and participants proceeded therefrom to the World Summit on Sustainable Development in Johannesburg. More than 300 indigenous peoples coming from all parts of the world participated in the Kimberley Summit; a smaller number went on to Johannesburg. Tebtebba was tasked by the Indigenous Peoples' Coordinating Committee to raise funds and be the lead organizer. The main outcome was the Kimberley Declaration and the Indigenous Peoples' Implementation Plan.[3] These documents were officially submitted to the World Summit on Sustainable Development and they are also being submitted to the Forum at its second session. It was unfortunate that no member of the Forum was present at Kimberley.

6. At the Johannesburg Summit, we lobbied hard to ensure that our concerns were integrated into the Johannesburg Declaration on Sustainable Development[4] and the Plan of Implementation of the World Summit on Sustainable Development.[5] We managed to insert our sentence into the Johannesburg Declaration (contained in para. 25 thereof) which reads: "We reaffirm the vital role of the indigenous peoples in sustainable development." It should be noted that this is one of the few United Nations documents that came out of a world conference attended by most heads of States that used the letter *s* in *peoples* without any qualifications. At the closing plenary meeting, we presented our final statement, a summary of which is found in the report of the Summit.[6]

7. We recommend that the members of the Forum and secretariat analyse thoroughly the report of the World Summit on Sustainable Development and the Kimberley Declaration and Indigenous Peoples' Implementation Plan in order to identify policies and programme areas that should be monitored and coordinated by the Forum. We also ask that the Forum endorse the call for a world conference on indigenous peoples and sustainable development which can be jointly organized by the United Nations and indigenous peoples.

8. Tebtebba is organizing an indigenous peoples' preparatory meeting during the Kyoto Third World Water Forum which will be held in Kyoto, Shiga and Osaka, Japan, from 16 to 23 March 2003. We are co-organizing two round-table discussions, on indigenous peoples' water management systems, and on water and cultural diversity. A report thereon will be submitted to the Forum.

Data disaggregation and the Millennium Development Goals

9. The importance of disaggregating data on indigenous peoples cannot be overemphasized. This is the first step in establishing benchmarks and indicators. We are convinced that disaggregated statistics is a powerful tool for decision-making on polices and programmes. In Tebtebba, we started a disaggregation project in the Philippines and from this we will develop a tool kit for data disaggregation. We had prepared a joint proposal with the Third World Institute[7] which was submitted to the European Commission last year under its budget line B7-7010 for combating racism and xenophobia and discrimination against ethnic minorities and indigenous peoples. This project was on data disaggregation and the generation of an "indigenous peoples' watch" following the model of Social Watch. Unfortunately, it was not approved; hence, we need to seek other sources of support.

10. Data disaggregation will help to particularize the Millennium Development Goals for indigenous peoples. At the panel discussion that we organized with the United Nations Development Programme (UNDP) in Johannesburg on "Millennium Development Goals and indigenous peoples", it was stressed that serious efforts should be made to render the Millennium Development Goals appropriate for, and adapted to, indigenous peoples' realties. The various United Nations agencies, programmes and Member States can help jump-start and coordinate the process of disaggregation.

11. Tebtebba strongly endorses the proposal that the United Nations system produce a triennial report on the state of the world's indigenous peoples. This was a proposal that we presented at the first session of the Forum. In addition, we propose that member States also endeavour to produce their own national reports on the state of indigenous peoples which can feed into the global report. The process of producing these reports should ensure the effective participation of indigenous peoples.

Human rights

12. From 1 to 11 December 2002, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people undertook a mission in the Philippines. Tebtebba was the main organization organizing the mission, although the invitation was extended by the Government of the Philippines. The Special Rapporteur submitted a debriefing report to the Government which contained his main findings and recommendations. His report will be submitted to the Commission on Human Rights at its 2003 session in Geneva.

13. The mission specifically looked into the impacts of large-scale development projects on the human rights of indigenous peoples and on the administration of

justice. His report will be very relevant to all the proposals in the report of the Forum on its first session centred around economic, social and sustainable development.

14. We recommend that his reports on the Philippine and Guatemalan missions be studied seriously by the Forum. His reports can be used to inform future processes and debates centring around the issue of development, human rights and indigenous peoples. We further recommend that the practice of inviting the Special Rapporteur, started at the first session, be maintained.

15. The monitoring and regulation of transnational and national corporations operating in indigenous territories, and the role of international financial institutions and trade bodies like the World Trade Organization, are persistent issues among indigenous peoples. A common observation made is that more rights are offered to transnational corporations than to indigenous peoples. Mechanisms to ensure corporate accountability can be explored and developed further by the Forum. The relationship between globalization and the policies and programmes of international financial institutions, and the worsening impoverishment of indigenous peoples, should be a subject of further research and promote the development of policy proposals.

16. The principle and practice of free, prior and informed consent has also become a rights issue for indigenous peoples. Thus, the proposal to create a working group on this issue is a very important one. Tebtebba, together with other non-governmental organizations, held a workshop/seminar on this issue in February 2003 which investigated the legal basis of free, prior and informed consent in international and national laws and examined the various ways in which it is carried out. We have mapped out future processes to be undertaken jointly by Tebtebba and other indigenous organizations and non-governmental organizations, and the results of these will be fed into the working group whenever it is formed.

17. We are also currently engaged in a review of the World Bank's policies in respect of, and involvement with, extractive industries (oil, gas, minerals). Independent case studies by indigenous peoples affected by those industries' operations are being carried out in seven countries. We are also participating in the Extractive Industries Review (EIR) Asia-Pacific consultation which will be held from 24 to 29 March 2003. The case studies will be presented on 14 and 15 April 2003 in London. The resulting recommendations will be submitted to the Forum for its consideration.

18. There is serious concern among indigenous peoples that, despite the ending of the International Decade of the World's Indigenous People in 2004, there is still no certainty that a declaration on the rights of indigenous peoples will be adopted by Governments. The Forum at its second session should address this concern and allow some time in its schedule for a discussion thereof, if only on an informal basis.

Conclusion

19. Indigenous peoples are busy intervening in various processes extending from the global down to the local level. Since Forum members cannot be present in many of these processes, it is important that reports thereon be made available to them. In

this way, complementarity and the sharing of responsibilities will become a norm. The extensive proposals set forth in the report of the Forum on its first session need the utmost cooperation of indigenous peoples, member States and the United Nations system to ensure that they will be implemented. The coordinating role of the Forum will be crucial in all aspects of this process.

Notes

[1] *Official Records of the Economic and Social Council, 2002, Supplement No. 23* (E/2002/43/Rev.1)

[2] The present submission is a summarized version of a longer report. There will be limitations, therefore, on the extent to which we can elaborate and go into details. The details will be found in the longer report whose annexes contain the outcome documents.

[3] See annex 2 of the longer report.

[4] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1), chap. I, resolution 1, annex.

[5] Ibid., resolution 2, annex.

[6] Ibid., chap. V, para. 5.

[7] This is the non-governmental organization that is responsible for producing the annual Social Watch reports.